



Paper No. 11

HALEOS INC  
3150 STATE STREET  
BLACKSBURG VA 24060

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MAY 27 2003

OFFICE OF PETITIONS

In re Application of :  
Steinberg, et al. :  
Application No. 10/071,871 : DECISION NOTING JOINDER  
Filed: February 8, 2002 : OF INVENTOR AND PETITION  
Attorney Docket No. 23091/15 : UNDER 37 CFR 1.47(a) MOOT  
(ACT-177)

This is in response to the petition under 37 CFR 1.47(a), filed September 10, 2002, and the 37 CFR 1.63 declaration filed March 20, 2003.

The above-identified application was filed on February 8, 2002, without, *inter alia*, an executed oath or declaration. Accordingly, on April 4, 2002, the Initial Patent Examination Division mailed a Notice to File Missing Parts of Nonprovisional Application, requiring an executed oath or declaration and the surcharge for its late filing. This Notice set a two month period for reply.

In reply, applicant filed a petition under 37 CFR 1.47(a) on September 10, 2002, and paid the surcharge for late filing of the declaration.<sup>1</sup> To make timely this reply, applicant obtained a three month extension of time and included a Certificate of Mailing dated September 4, 2002.

Before a decision on the petition was rendered, on March 20, 2003 applicant submitted a declaration executed by joint inventors Dan A. Steinberg and Martin G. Meder. The declaration has been found to be in compliance with 37 CFR 1.63.

In view of the **joinder** of the inventors, further consideration under 37 CFR 1.47(a) is not necessary and the petition is considered to be **moot**. This application does not have any Rule 1.47(a) status and no such status should appear on the file wrapper. This application need not be returned to this Office for further consideration under 37 CFR 1.47(a).

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<sup>1</sup> However, petitioner did not submit the \$130 petition fee, but included an authorization to charge any additional fees to his Deposit Account. As the \$130 petition fee was not charged, that fee has now been charged to Deposit Account No. 50-0369.

The Manual of Patent Examining Procedure states:

Where a correspondence address has been established on filing of the application or changed pursuant to 37 CFR 1.33(a)(1) (prior to the filing of an executed oath or declaration under 37 CFR 1.63 by any of the inventors), that correspondence address remains in effect upon filing of an executed oath or declaration under 37 CFR 1.63 and can only be subsequently changed pursuant to 37 CFR 1.33(a)(2).<sup>2</sup>

Accordingly, future correspondence in this application will be mailed to the above address as set forth prior to filing of the executed declaration. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address as set forth in the declaration and given on the petition; however, the Office will mail all future correspondence solely to the address of record.

The application is being forwarded to Technology Center 2800, Group Art Unit 2874, for prosecution.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0272.



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Office of Petitions

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<sup>2</sup> MPEP 601.03.